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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,906	03/21/2001	Petter Ericson	08385.0012-00000	1151
2292 7590 11/14/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER
			NOTIFICATION DATE 11/14/2007	DELIVERY MODE ELECTRONIC

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/812,906
Filing Date: March 21, 2001
Appellant(s): ERICSON, PETTER

Michael K. Mutter
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/10/07 appealing from the Office action mailed 01/12/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,629,499	FLICKINGER et al.	05-1997
5,477,012	SEKENDUR	12-1995

(9) Grounds of Rejection

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The following ground(s) of rejection are applicable to the appealed claims:

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, et al. (U.S. Patent 5,629,499, issued May 13, 1997) [hereinafter "Flickinger"], in view of Sekendur (U.S. Patent 5,477,012, issued December 19, 1995) [hereinafter "Sekendur"].

Regarding independent claim 1 as amended, Flickinger in view of Sekendur teaches:

A form, comprising:

a surface;

a position-coding pattern located on the surface and detectable by an optical sensor,

wherein each position is encoded by directions of displacements between a plurality of marks and raster points;

a form layout on the surface indicating at least one entry field for receipt of information; and

an identity pattern on the surface indicating positions on the surface that may be marked to identify the form layout.

(In a broad reasonable interpretation, the claim reads on a page with a printed underlayment of symbols such that an optical sensor can track the location on the page by reading the underlying symbols, and, printed onto the page is a standard looking form with areas for user input of data. Finally, each form also contains an area to be scanned by the optical sensor such that the processor will know what form is being used so that the processor can manipulate the input appropriately. In other words, the claim reads on a specially printed orientation paper with a form printed on it and an area within the form to identify it to the processor when scanned by an optical sensor. As an example, a form printed on the special paper identified as an e-mail, wherein a certain location of page will receive data treated as an e-mail address, and a different area of the page will receive data treated as the e-mail message. Basically, the claim specifies 1) a page with underlying orientation marks, 2) a form printed on the page, and 3) a form identifier located on the form and readable by an optical sensor.

Flickinger teaches a form printed on a page with a form identifier ("identify pattern") as bar code, on the surface that may be marked (scanned) by an optical sensor to identify the form layout. See, Flickinger, figure 5, element 204, and col. 3, lines 16-67. See also, Flickinger, figure 5, element 206, and col. 4, lines 30-34, teaching checking a box on a form to indicate the identification ("identify pattern") of the

form. Flickinger does not expressly teach a position-coding pattern located on the surface and detectable by an optical sensor wherein each position is encoded by direction of displacements between a plurality of marks and raster points.

Sekendur teaches a coordinate sensor using an optical scanner reading "position-coding pattern" located on the surface and comprising a plurality of dots ("marks") in a raster point pattern. See, Sekendur, figures 1-5, and col. 4, line 12 through col. 5, line 9. Further, Sekendur teaches that the location of the marks is identified by the optical sensor reading the displacement between the marks. See, Sekendur, figures 1-5, and col. 4, lines 28-48.

Flickinger and Sekendur are combinable in that they both involve the art of locating information on a page using discrete points readable by a sensor in order to identify the location of the writing or entry of data by a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Flickinger and Sekendur.

The suggestion or motivation for making the combination is that Flickinger teaches locating a point of a user's position on a surface, such as a writing surface, and Sekendur teaches an alternate method for locating that point that is combinable and complimentary to that taught by Flickinger. Removing the coordinate location teaching of Flickinger would leave a system of an optical sensor working with writing on a form, and the electronics would be removed. Combining the teaching of Flickinger with that of Sekendur would result in a system of an optical sensor sensing the position of form entries by the identification of dots on a page. Both Flickinger and Sekendur teach

optical identification of the form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Flickinger and Sekendur to result in the inventions specified in claim 1.

The "raster" is taught in Sekendur as the "center circle 4," which is consistent with the definition of a visible or virtual reference point for the displaced "marks." See, Sekendur, figure 1, and col. 4, lines 30-32. The "marks" are taught in Sekendur as the "slices 7" which are oriented around the "center circle 4" and which, by their displaced position relative to the "center circle 4" indicate the location of the indicator on the page. See, Sekendur, figure 1, and col. 4, lines 28-41.)

Regarding **dependent claim 2**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the identity pattern comprises a bar code.

(See, Flickinger, col. 3, lines 65-68, teaching the use of a bar code as an "identify pattern.")

Regarding **dependent claim 3**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the identity pattern comprises a bar code that prevents the optical sensor from detecting the position-coding pattern on portions of the surface covered by bars of the bar code but allows the optical sensor to detect the position-coding pattern between the bars of the bar code.

(It would have been obvious to one of ordinary skill in the art at the time of the invention

to print the identify pattern bar code so that it would not detect the underlying position-coding pattern for the obvious and beneficial purpose of making the bar code independently readable without incorporating potentially confusing input from images located between the lines of the bar code.

Similarly, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the underlying position-coding pattern readable so that the position of the bar code could be identified to the processor.)

Regarding **dependent claim 4**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the identity pattern also indicates a scale of the form layout.

(See, Flickinger, col. 3, lines 16-59, teaching that all data relative to the form is incorporated through the form identification (identity pattern). Specifically see, Flickinger, col. 3, lines 45-47, teaching different forms in different scales as an inventory form and a bank check.)

Regarding **dependent claim 5**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the identity pattern comprises a box for receipt of a cross.

(See, Flickinger, figure 5, element 206, and col. 4, lines 30-34, teaching checking a box on a form to indicate the identification ("identify pattern") of the form. The box for receipt of input is expressly taught, and Flickinger expressly teaches a "check-mark." A "check

mark” was known to one of ordinary skill in the art at the time of the invention to be a general term for “a mark placed next to an item to show that it has been noted, verified, or approved.” See, The American Heritage College Dictionary, Fourth Edition, Houghton Mifflin, 2002, definition of “check mark.” It would have been obvious to one of ordinary skill in the art at the time of the invention to mark a pattern identity box with a “cross” as a means of indicating that the box was noted or to verify the form type.)

Regarding **dependent claim 6**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the entry field comprises a shape to be marked.

(See, Flickinger, figure 5, element 206, and col. 4, lines 30-34, teaching checking a box on a form to indicate the identification (“identify pattern”) of the form. A box is a “shape to be marked.”)

Regarding **dependent claim 7**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the entry field comprises a scale that can be marked at a location to indicate a numerical rating.

(Flickinger in view of Sekendur teaches all the limitations of claim 1. Flickinger in view of Sekendur does not expressly teach the entry of data onto a form wherein the entry field comprises a scale that can be marked at a location to indicate a numerical rating.

The differences between claim 7 and claim 1 are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The steps of

marking of a form entry field with an optical sensor sensing the location of the mark and transferring that data to a processor would be the same whether the user was entering an indication of a line on a scale, an indication of a selection of a check box, of the entry of data in a text field. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See, *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a data field on a form where a user could mark to indicate a response on a scale.)

Regarding **dependent claim 8**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the entry field comprises space for receiving handwritten information.

(See, Flicking, col. 4, lines 13-15, teaching that the user of the invention "just fills out the form or takes notes on a piece of paper with the board as a support, as one normally does in writing." See also, Sekendur, Abstract, teaching that the invention "might be used for determining the position of a pen/pencil on paper for handwriting data input.")

Regarding **independent claim 9 as amended**, Flickinger in view of Sekendur teaches:

*A method for generating a form, comprising:
printing on a surface a position-coding pattern detectable by an optical*

sensor,

wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points to code different symbol values; printing on the surface a form layout indicating at least one entry field for receipt of information; and printing on the surface an identity pattern indicating positions on the surface whose arrangement identifies the form layout.

(Claim 9 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **dependent claim 10**, Flickinger in view of Sekendur teaches:

The method of claim 9, wherein printing on the surface the form layout comprises printing the form layout at a known location relative to the position-coding pattern.

(See, Flickinger, col. 4, lines 30-34, teaching to locate form identification check boxes (form layout) at different known positions to identify different forms.)

Regarding **dependent claim 11 as amended**, Flickinger in view of Sekendur teaches:

A printer for generating a form, comprising:

memory; and

a processor configured to

print, on a surface, a position-coding pattern detectable by an

optical sensor, wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster point to code different symbol values;

print, on the surface, a form layout indicating at least one entry field for receipt of information; and

print, on the surface, an identify pattern indicating positions on the surface whose arrangement identifies the form layout.

(Claim 11 incorporates substantially similar subject matter as claimed in claim 9 and is rejected along the same rationale.)

Regarding **dependent claim 12, as amended**, Flickinger in view of Sekendur teaches:

A computer-readable medium having stored thereon a computer-executable instructions for performing the method of:

printing, on a surface, a position-coding pattern detectable by an optical sensor, wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster point to code different symbol values;

printing, on the surface, a form layout indicating at least one entry field for receipt of information; and

printing, on the surface, an identify pattern indicating positions on the surface whose arrangement identifies the form layout.

(Claim 12 incorporates substantially similar subject matter as claimed in claim 9 and is rejected along the same rationale.)

Regarding **independent claim 13, as amended**, Flickinger in view of Sekendur teaches:

*A method for generating a form, comprising:
on a surface having a position-coding pattern detectable by an optical sensor, wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points to code different symbol values, printing a form layout indicating at least one entry field for receipt of information; and
printing on the surface an identity pattern indicating positions on the surface whose arrangement identifies the form layout.*

(Claim 13 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **dependent claim 14**, Flickinger in view of Sekendur teaches:

The method of claim 13, wherein printing on the surface the form layout comprises printing the form layout at a known location relative to the position-coding pattern.

(Claim 14 incorporates substantially similar subject matter as claimed in claim 10 and is rejected along the same rationale.)

Regarding **dependent claim 15, as amended**, Flickinger in view of Sekendur teaches:

A computer-readable medium having stored thereon computer-executable instructions for performing the method of:

printing on a surface an identity pattern indicating positions on the surface whose arrangement identifies the form layout, the surface having a position-coding pattern detectable by an optical sensor, wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points to code different symbol values, and printing on the surface a form layout indicating at least one entry field for receipt of information.

(Claim 15 incorporates substantially similar subject matter as claimed in claim 13 and is rejected along the same rationale.)

Regarding **independent claim 16, as amended**, Flickinger in view of Sekendur teaches:

A method for processing a form, comprising:

receiving from an optical sensor position data corresponding to movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor,

wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points to code different symbol values;
determining from the position data a form layout printed on the surface;
and

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determining from the position data an information entry in an entry field defined by the form layout.

(Claim 16 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **dependent claim 17**, Flickinger in view of Sekendur teaches:

The method of claim 16, further comprising storing the information entry in a database.

(See, Flickinger, col. 4, lines 3-18, and col. 4, lines 36-48, teaching teaches storing the data.)

Regarding **dependent claim 18**, Flickinger in view of Sekendur teaches:

*The method of claim 16, further comprising:
translating the information entry into a non-handwritten format based on a type of information expected to be received in the entry field; and
storing the translated information entry in a database.*

(See, Flickinger, col. 4, lines 3-18, and col. 4, lines 36-48, teaching translating the information entry into a non-handwritten format based on a type of information expected to be received in the entry field.)

Regarding **dependent claim 19**, Flickinger in view of Sekendur teaches:

The method of claim 16, further comprising:

translating the information entry into a result of a type chosen from the group consisting of Boolean variable, whole number, real number, and text string; and

storing the result in a database.

(See, Flickinger, col. 4, lines 3-18, and col. 4, lines 36-48, teaching storage of information as a text string.)

Regarding **dependent claim 20**, Flickinger in view of Sekendur teaches:

The method of claim 16, wherein determining from the position data the form layout printed on the surface comprises:

determining a sub-portion of the position data located in a predetermined area of the position-coding pattern;

finding a match to the sub-portion in a plurality of known identity patterns representing possible form layouts; and

determining the form layout corresponding to the match.

(See, Flickinger, col. 4, lines 16-64, and col. 4, lines 3-18, teaching determining a sub-portion of a plurality of position data in a form layout in a predetermined area, and finding a match to the sub-portion, and determining the form layout corresponding to the match. Specifically, Flickinger teaches, in one embodiment, to mark boxes located on different areas of the form to identify the form which is then used by the system.)

Regarding **dependent claim 21**, Flickinger in view of Sekendur teaches:

The method of claim 16, wherein determining from the position data the information entry in the entry field defined by the form layout comprises determining a sub-portion of the position data whose location falls in an area of the position-coding pattern known to be encompassed by the entry field.

(See, Flickinger, col. 4, lines 16-64, and col. 4, lines 3-18, teaching determining a sub-portion of a plurality of position data in a form layout in a predetermined area, and finding a match to the sub-portion, and determining the form layout corresponding to the match. Specifically, Flickinger teaches, in one embodiment, to mark boxes located on different areas of the form to identify the form which is then used by the system. See also, Flickinger, figure 5, element 206 appearing within the data entry field.)

Regarding **dependent claim 22, as amended**, Flickinger in view of Sekendur teaches:

A computer-readable medium having stored thereon computer-executable instructions for performing the method of:

receiving from an optical sensor position data corresponding to movement of a device containing the optical sensor over a surface having a position-coding pattern detectable by the optical sensor, wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points to code different symbol values;

determining from the position data a form layout printed on the surface;
and

determining from the position data an information entry in an entry field

defined by the form layout.

(Claim 22 incorporates substantially similar subject matter as claimed in claim 16 and is rejected along the same rationale.)

Regarding **independent claim 23, as amended**, Flickinger in view of Sekendur teaches:

A method for electronically collecting information from forms, the method comprising:

providing a user with a form, the form containing printed indicia on a foreground thereof prompting the user to associate written information with the printed indicia, wherein the form further includes preprinted coded information in the background thereof, wherein the preprinted coding information utilizes the directions of displacements between a plurality of marks and raster points to code different symbol values;

encouraging the user to fill in portions of the form using an implement capable of marking the form, the implement being further capable of detecting the preprinted coded information over which the implement passes and generating a signal in response thereto; and

electronically receiving the signal and translating the signal into information reflecting an intention of the user.

(Claim 23 incorporates substantially similar subject matter as claimed in claim 1 and, in light of the following, is rejected along the same rationale. It is inherent in the

construction of a form with the specified functions that the form would be provided to a user who would be "encouraged" to fill in the form.)

Regarding **dependent claim 24**, Flickinger in view of Sekendur teaches:

The method of claim 23, further including storing in a database the information reflective of the user's intention.

(Flickinger in view of Sekendur teaches all the limitations of claim 23. In addition, Flickinger teaches storing the data. See, Flickinger, col. 4, line 13.

The differences between claim 24 and claim 23 are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The steps of marking of a form entry field with an optical sensor sensing the location of the mark, encouraging a user to fill in the form, and transferring the user's data to a processor would be the same whether the information stored was "reflective of the user's intentions" or not. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See, *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store data from a filled in form, regardless of the limitation of the user's intentions regarding the data.)

Regarding **dependent claim 25**, Flickinger in view of Sekendur teaches:

The method of claim 23, wherein the form is printed on a material chosen from the group consisting of paper stock, plastic, and laminate.

(See, Sekendur, Abstract, teaching that the invention "might be used for determining the position of a pen/pencil on paper for handwriting data input.")

Regarding **dependent claim 26**, Flickinger in view of Sekendur teaches:

The method of claim 23, wherein the written information is hand-written.

(See, Flicking, col. 4, lines 13-15, teaching that the user of the invention "just fills out the form or takes notes on a piece of paper with the board as a support, as one normally does in writing." See also, Sekendur, Abstract, teaching that the invention "might be used for determining the position of a pen/pencil on paper for handwriting data input.")

Regarding **dependent claim 27**, Flickinger in view of Sekendur teaches:

The method of claim 23, wherein the implement is in the form of a pen having an optical code reader therein.

(See, Sekendur, figure 6, and col. 4, line 50 through col. 6, line 35, teaching the pen with an optical code reader therein.)

Regarding **dependent claim 28, as amended**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein each mark is uniquely associated with a raster point.

(It is noted that pursuant to the Examiner's reading of the term "raster marks" as being

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a non-limiting non-functional descriptive term inherent in the regular appearance of the marks, the raster point are inherently uniquely associated with the marks.)

Regarding **dependent claim 29, as amended**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the raster points are derived from the marks.

(It is noted that pursuant to the Examiner's reading of the term "raster marks" as being a non-limiting non-functional descriptive term inherent in the regular appearance of the marks, the raster point are inherently derived from the marks.)

Regarding **dependent claim 30**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein a single mark contributes to at least two different positions.

(See, Sekendur, figure 4a, teaching a single mark, the square in the raster, contributing both the X and Y coordinates. See also, Sekendur figures 1 and 2, and col. 4, lines 28-41, teaching that a single dot may contribute to three positions.)

Regarding **dependent claim 31, as amended**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the raster points are undetectable by the optical sensor.

(See, Sekendur, claim 9, teaching a selective decoder means, which can select which of a plurality of coding means to select.)

Regarding **dependent claim 32**, Flickinger in view of Sekendur teaches:

The form of claim 1, wherein the plurality of marks comprises dots.

(See, Sekendur, figures 1-3, teaching marks comprising dots.)

Regarding **dependent claim 33**, Flickinger in view of Sekendur teaches:

The method of claim 16, wherein the plurality of marks comprises dots.

(Claim 33 incorporates substantially similar subject matter as claimed in claim 32 and is rejected along the same rationale.)

Regarding **dependent claim 34**, Flickinger in view of Sekendur teaches:

The method of claim 23, wherein the plurality of marks comprises dots.

(Claim 34 incorporates substantially similar subject matter as claimed in claim 32 and is rejected along the same rationale.)

Regarding **dependent claim 35, as amended**, Flickinger in view of Sekendur teaches:

*The form of claim 1 wherein the position coding pattern includes a mark
present at every raster point.*

(See, Sekendur, figures 1-5, teaching marks in a position coding pattern applied at every raster point.)

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Regarding **dependent claim 36, as amended**, Flickinger in view of Sekendur teaches:

The method of claim 9 wherein the position coding pattern includes a mark present at every raster point.

(Claim 36 incorporates substantially similar subject matter as claimed in claim 35 and is rejected along the same rationale.)

Regarding **dependent claim 37, as amended**, Flickinger in view of Sekendur teaches:

The method of claim 13 wherein the position coding pattern includes a mark present at every raster point.

(Claim 37 incorporates substantially similar subject matter as claimed in claim 35 and is rejected along the same rationale.)

Regarding **dependent claim 38, as amended**, Flickinger in view of Sekendur teaches:

The method of claim 16 wherein the position coding pattern includes a mark present at every raster point.

(Claim 38 incorporates substantially similar subject matter as claimed in claim 35 and is rejected along the same rationale.)

Regarding **dependent claim 39, as amended**, Flickinger in view of Sekendur teaches:

The method of claim 23 wherein the position coding pattern includes a mark present at every raster point.

(Claim 39 incorporates substantially similar subject matter as claimed in claim 35 and is

rejected along the same rationale.)

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

(10) Response to Argument

On page 6 of the Brief, Appellant provides an argument summary and comments on the legal requirements of prima facie obviousness.

Beginning on page 7 of the Brief, Appellant argues the cited references fail to teach all the claim elements. Specifically, Appellant argues on page 8, neither Sekendur nor Flickinger teach "a position coding pattern. . . wherein each position is encoded by directions of displacements between a plurality of marks and raster points" as recited in claim 1; and "a position-coding pattern. . . wherein the position coding pattern utilizes directions of displacements between a plurality of marks and raster points" as recited in claims 9, 11-13, 15-16, and 22.

Examiner disagrees with Appellant's assertions.

As an initial point, Appellant agrees that Sekendur discloses a position coding pattern as admitted on page 8, third full paragraph. Appellant then states that Sekendur

does not teach that the positions are encoded by directions of displacements between a plurality of marks and raster points on pages 8-10 of the Brief.

Examiner disagrees with Appellant's assertion.

First, Sekendur teaches a position coding pattern. See, Sekendur, figures 1-5a, and col. 2, line 12 through col. 4, line 59. The "marks" are read as having been intended by the Appellant to be the dots or other indicia printed on the surface for position code patterning. Sekendur clearly teaches such dots, marks and raster points in figures 1-5a, and col. 2, line 12 through col. 4, line 59.

Sekendur teaches position encoded by directions of displacements between a plurality of marks and raster points. See, Sekendur, figures 1-5a, and col. 2, line 12 through col. 4, line 59, particularly, col. 4, lines 15-49. For example, Sekendur clearly teaches displacement between a plurality of marks as shown in figures 1a, 2, 4a, and 5a, in which the marks are displaced within the elements indicating position.

The "raster" is taught in Sekendur as the "center circle 4," which is consistent with the definition of a visible or virtual reference point for the displaced "marks." See, Sekendur, figure 1, and col. 4, lines 30-32. The "marks" are taught in Sekendur as the "slices 7" which are oriented around the "center circle 4" and which, by their displaced position relative to the "center circle 4" indicate the location of the indicator on the page. See, Sekendur, figure 1, and col. 4, lines 28-41. Further, when the location of two raster points are known, then the direction of displacement between each raster point must be known.

On pages 10-11 and page 14 of the Brief, Appellant argues Examiner has cited

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non-analogous art and specifically states that Flickinger is non-analogous art. Appellant states that Flickinger is directed to improvements in the position sensing system and is not in the Appellant's field of endeavor. Examiner respectfully disagrees. As an initial point, the claims never recite where the sensor is positioned. Further, Flickinger is related to the Appellant's field of endeavor because it is drawn to an apparatus with a sensing mechanism that detects symbols.

Appellant argues on pages 11-12 and 14-15 that the purported combination changes the principle of the operation. Examiner respectfully disagrees. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Flickinger and Sekendur.

The suggestion or motivation for making the combination is that Flickinger teaches locating a point of a user's position on a surface, such as a writing surface, and Sekendur teaches an alternate method for locating that point that is combinable and complimentary to that taught by Flickinger. Removing the coordinate location teaching of Flickinger would leave a system of an optical sensor working with writing on a form, and the electronics would be removed. Combining the teaching of Flickinger with that of Sekendur would result in a system of an optical sensor sensing the position of form entries by the identification of dots on a page. Both Flickinger and Sekendur teach optical identification of the form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Flickinger and Sekendur to result in the inventions specified in claim 1.

On pages 13-14, Appellant argues with respect to claim 23, neither Sekendur nor Flickinger teach "wherein the preprinted coding information utilizes the directions of displacements between a plurality of marks and grid points to code different symbol values." Examiner disagrees with Appellant's assertion.

First, Sekendur teaches a position coding pattern. See, Sekendur, figures 1-5a, and col. 2, line 12 through col. 4, line 59. The "marks" are read as having been intended by the Appellant to be the dots or other indicia printed on the surface for position code patterning. Sekendur clearly teaches such dots, marks and raster points in figures 1-5a, and col. 2, line 12 through col. 4, line 59.

Sekendur teaches position encoded by directions of displacements between a plurality of marks and raster points. See, Sekendur, figures 1-5a, and col. 2, line 12 through col. 4, line 59, particularly, col. 4, lines 15-49. For example, Sekendur clearly teaches displacement between a plurality of marks as shown in figures 1a, 2, 4a, and 5a, in which the marks are displaced within the elements indicating position.

The "raster" is taught in Sekendur as the "center circle 4," which is consistent with the definition of a visible or virtual reference point for the displaced "marks." See, Sekendur, figure 1, and col. 4, lines 30-32. The "marks" are taught in Sekendur as the "slices 7" which are oriented around the "center circle 4" and which, by their displaced position relative to the "center circle 4" indicate the location of the indicator on the page. See, Sekendur, figure 1, and col. 4, lines 28-41. Further, when the location of two raster points are known, then the direction of displacement between each raster point must be known.

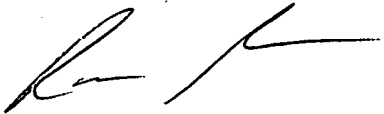
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



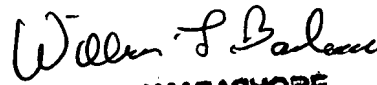
Rachna Singh

Conferees:



Doug Hutton,
SPE, Art Unit 2176

William Bashore
Primary Examiner, Art Unit 2176


**WILLIAM BASHORE
PRIMARY EXAMINER**